

# Notice of Allowability

Application No.

10/660,760

Examiner

Michael J. Feely

Applicant(s)

LIEBMANN-VINSON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to phone interview on 11/8/2006.
2. ☒ The allowed claim(s) is/are 1-7,9-16 and 38-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20061109.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on November 8, 2006, Todd Buck (Reg. No. 48,574) requested an extension of time for an additional one MONTH(S) and authorized the Director to charge Deposit Account No. 02-1666 the required fee of \$570 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

It should be noted that applicant paid for an extension of time within the second month (\$450) on October 18, 2006. The amount of \$570 fulfills the balance of an extension of time within the third month (\$1,020).

The application has been amended as follows:

*In the claims:*

1. (Currently Amended) A method for producing a surface with enhanced cell-adhesive properties, comprising:
  - a. applying a stress to a flexible polymeric matrix wherein said polymeric matrix comprises chemical sensor particles dispersed in said matrix, said particles conferring chemical sensing capability;
  - b. maintaining said flexible polymeric matrix as a strained matrix;

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- c. modifying the surface of said strained matrix by grafting a self-assembled monolayer onto said strained matrix, said self-assembled monolayer comprising at least one exposed functional group;
- d. activating said at least one functional group of said self-assembled monolayer; and
- e. coupling at least one cell-adhesive molecule to said at least one activated functional group on said self-assembled monolayer.

- Cancel claims 17-37.

***Allowable Subject Matter***

2. Claims 1-7, 9-16, and 38-57 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The combined teachings of Genzer et al. (US Pat. Nos. 6,423,372 & 6,770,323) and Klaerner et al. (US Pat. No. 6,692,914) represent the closest prior art. However, these references fail to teach or suggest the incorporation of sensing particles, which have been dispersed in the flexible matrix. A series of references belonging to McDevitt et al. (US Pub. Nos. 2006/0228256, 2004/0053322, 2003/0064422 & US Pat. Nos. 6,713,298, 6,680,206, 6,649,403) disclose a similar concept, wherein sensor particles are *disposed in cavities* of a rigid substrate. However, there is no teaching or suggestion to bridge this concept to a flexible matrix material, wherein the particles are *dispersed* in the matrix (substrate). The teachings of McDevitt et al. fail to extend their concept to a material and process involving a flexible substrate subjected to a mechanical monolayer assembly (mechanically stressed substrate at the time of grafting the monolayer) because their concept exclusively involves the positioning of particles into cavities of a rigid substrate.

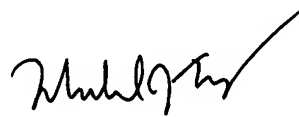
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is 571-272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael J. Feely  
Primary Examiner  
Art Unit 1712

November 9, 2006